

To: O'Lone, Mary[OLone.Mary@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
From: Covington, Jeryl
Sent: Thur 2/12/2015 7:17:53 PM
Subject: RE: Assignment - REACH

The funding link that was provided by Dayna is current and not 2004.

I will check with Sam Peterson regarding the other funding information referenced in your message.

From: O'Lone, Mary
Sent: Thursday, February 12, 2015 1:52 PM
To: Covington, Jeryl; Wooden-Aguilar, Helena
Subject: RE: Assignment - REACH

Jeryl-

I am sorry if my question wasn't clear.

I just want to know whether and what federal financial assistance, if any, NC DENR currently gets from another federal agency. The only piece of information below that might bear on the question is the part about USDA funding for easements, etc., but I am not sure if you are talking about a current grant or are referring back to 2004.

While Dayna's information is interesting, its relevance to current federal financial assistance to NC DENR isn't clear to me.

Apparently OGD has the ability to search a list of who gets what funding from the federal government. While I don't know, I would imagine it could be sorted to tell you every grant that NC DENR gets from the US government. I have heard that Sam may have access to the list or perhaps you could ask the OCR contact in OGD to help get you the answer. Ideally, they would

give you a listing of current grants and the federal agency it comes from.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl

Sent: Thursday, February 12, 2015 12:15 PM

To: O'Lone, Mary; Wooden-Aguilar, Helena; Farrell, Ericka

Subject: RE: Assignment - REACH

Dayna Matthew provided the following response and information related to NCDENR federal federal funding (February 5, 2015 email):

The quick research I could do found the following which would suggest "yes"

1. USDA listed as a funding source on NC NENR's webpage re Financial resources for watersheds and water quality here: <http://portal.ncdenr.org/web/wq/ps/bpu/urw/funding>
2. DENR Division of Soil (old) Strategic Plan lists USDA here: http://www.enr.state.nc.us/docs/dswc_strategic_plan_2004.pdf

3. DENR listed among “state resources” on USDA’s National Ag Library Page re invasive species here: <http://www.invasivespeciesinfo.gov/unitedstates/nc.shtml>

In my review of this information, I provided the following (February 9, 2015):

The EPA funding appears to be related to WQ, watershed management, TMDL, wastewater revolving fund programs, and wetlands protection.

The USDA funding appears to be focused on easements, S&EC, and technical and financial assistance to install or implement structural and/or management practices on eligible agricultural land (this may be the link to the animal waste management systems).

Additionally, per the April 2004 memo to Bill Ross (former DENR Secretary) there was a working partnership between USDA and DENR’s SWC Division.

On February 9th, I quickly reviewed the State of North Carolina’s June 2014 CAFR for additional details. From this review, the CAFR detailed some of the EPA funding - EPA revolving funding (enterprise funding). The description of this funding source is described below (not previously provided-rough draft attached)):

Source: NC June 2014 CAFR (p. 40)

EPA Revolving Loan Fund

The Environmental Protection Agency (EPA) Revolving Loan Fund (Loan Fund) is comprised of the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund established by General Statute 159G-22 and receives federal and state funds. This Loan Fund was established to provide loans and grants as allowed under federal laws for wastewater projects and public water systems to meet the water infrastructure needs of the State.

The net position of the Loan Fund increased 7.63% to \$1.4 billion in 2014. This increase in net position

is due to the Loan Fund focusing on streamlining its processes (requiring municipalities to follow specified timelines that resulted in more infrastructure projects being completed during the year) and prioritizing the spending of funds from the U.S. EPA (federal) capitalization grant for these projects (as opposed to funds from other sources). The amount of new loans exceeded total amount of principal repaid on the existing loans which resulted in an increase to notes receivable. However, the total amount of loans issued to municipalities was less than the total amount repaid and the total amount of grants received from the U.S. EPA, resulting in an increase to cash. Operating income was \$15.08 million (operating revenues less operating expenses), and net non-operating revenues were \$70.67 million. Net non-operating revenues consisted primarily of noncapital grants (federal capitalization grants). Noncapital grants increased 28.23% to \$88.92 million. Noncapital grants increased primarily because the U.S. EPA requested that states focus on using federal capitalization grant funds for infrastructure projects.

Source: NC June 2014 CAFR (p. 79)

EPA Revolving Loan Fund

This fund accounts for the activities of the State's clean water and drinking water revolving loan programs, which provide low cost

loans to units of local government for the construction of wastewater facilities and drinking water infrastructure. These programs are

financed primarily by federal capitalization grants from the United States Environmental Protection Agency (EPA), interest earnings

on loans, loan repayments, and state funds (i.e., bond proceeds and State appropriations).

Additional information related to the revolving funding is contained in the attached .pdf.

To date, I have not uncovered direct and specified funding for the NPDES general permit (AWG100000) program. Potentially, the previously mentioned EPA watershed management and TMDL funding may have indirect links to this program. Some of the land conservation and forestry divisions established under Bill Ross's leadership have been reorganized into new programs and areas of focus. Direct funding (cost share program) for the construction of the animal waste management systems comes through NC Department of Agriculture and USDA.

From: O'Lone, Mary

Sent: Thursday, February 12, 2015 10:51 AM

To: Wooden-Aguilar, Helena; Farrell, Ericka; Covington, Jeryl

Subject: RE: Assignment - REACH

Ericka-

Are you having a problem uploading to the REACH SharePoint site?

I don't see anything beyond what I uploaded to it last week.

Please let me know if your permissions aren't allowing you to do it, you can't find the material on the OCR shared drive or if someone else needs to be granted permission to upload.

Jeryl-

I know you sent a flurry of emails on funding, but I am not sure what the final word was on whether any other federal agency is giving financial assistance to NC DENR.

Would you please send us a new email (detached from any other chain) that gives us all the basic information about current or most recent financial assistance.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Monday, February 09, 2015 3:21 PM
To: Farrell, Ericka; Covington, Jeryl
Cc: O'Lone, Mary
Subject: Assignment - REACH
Importance: High

Ericka-

I need you to please work with the law clerks and upload relevant materials to the REACH SharePoint site that Mary. Regarding relevant materials, I believe all the items that Mary copied into a REACH folder on the OCR shared drive should be it. Please have this done by **February 11, 2015**. I have copied Mary in case I have misunderstood.

Also, I need you and Jeryl to check and see if NC DENR gets financial assistance from USDA (or anyone else). Please have this information to me, with a cc to Mary, by **February 10, 2015, COB**.

Appreciate your help.

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights – US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Mon 2/9/2015 8:13:13 PM
Subject: RE: Action Items for OCR on a variety of things

Thanks. Will check.

From: O'Lone, Mary
Sent: Monday, February 09, 2015 2:39 PM
To: Wooden-Aguilar, Helena
Subject: Re: Action Items for OCR on a variety of things

Adding to the REACH list that someone check to see if USDA gave financial assistance to NC DENR. haven't heard anything from either Ericka or Jeryl that either one is looking into it or will look into it

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Monday, February 9, 2015 10:01 AM
To: Wooden-Aguilar, Helena
Subject: Action Items for OCR on a variety of things

Helena-

I sent a barrage of emails last week that had requests for OCR to do some miscellaneous (but important) items. I am pulling them together in one email for

you to make it easier.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Helena-

Can you please check with Waleska & find out where she stored what the contractor sent so that Anderson can look through it? Please do not let her refer Anderson back to me. I want him to go through the Waleska route in case there is something I didn't pick up or wasn't sent to me. If the missing material isn't in her cache of materials, then can someone ask the contractor if they forgot to send it? I think I indicated in an earlier email that I think one of the interviews they were supposed to transcribe had never been sent. Perhaps the same happened here.

Maybe Anderson would be a good person to assess whether they even gave us all the transcriptions we paid for under the contract. I didn't think that was my job & I am not sure that Waleska did that kind of accounting. Also, do the contractors think they are done?

Hope this helps, Thanks, Mary

Mary O'Lone

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Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Rhodes, Julia
Sent: Mon 2/9/2015 2:09:42 PM
Subject: FW: REACH Preliminary Case Management Plan -
REACH and ACTION PLAN prelim case management plan 2.5.15.docx

This looks like your draft and it is not clear to me what, if any, changes were made.

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

From: Matthew, Dayna
Sent: Friday, February 06, 2015 4:27 PM
To: O'Lone, Mary; Wooden-Aguilar, Helena; Dorka, Lilian; Golightly-Howell, Velveta
Cc: Rhodes, Julia; Packard, Elise; Moffa, Anthony
Subject: RE: REACH Preliminary Case Management Plan -

Mary,

After going over the final work product with Velveta, we wanted to more clearly indicate the two documents – the Action Plan and the REACH Preliminary Case Management Plan were related. I therefore added references to the Action Plan steps, carefully omitting any reference to “90 days” in the blue title lines of your document where appropriate. (See attached) I hope you agree this addition is cosmetic but does not change the substance of your awesome work product. If for any reason you disagree, please let me know and I’ll let Gwen and John know

that change has not been accepted. Not the optimal way to jointly edit, I know - here we are at the proverbial “last minute” despite our best efforts! Thanks, Mary

Best.

Dayna

From: O'Lone, Mary

Sent: Thursday, February 05, 2015 6:08 PM

To: Matthew, Dayna; Wooden-Aguilar, Helena; Dorka, Lilian; Golightly-Howell, Velveta

Cc: Rhodes, Julia; Packard, Elise; Moffa, Anthony

Subject: REACH Preliminary Case Management Plan

Dayna-

Ex. 5 - Attorney Client

Also, as we discussed on the phone – I changed Dismissal Pathway to Administrative Closure Pathway per Lilian’s great catch.

Also, you will see that the box for whether NC DENR is a recipient of other federal funding is not checked. I sent an email to Jeryl & Ericka today asking if they could research that & give us the answer. I have not heard yet, but perhaps you will by tomorrow. I am out tomorrow but will check in with you on Monday.

Thanks, Mary

Mary O'Lone

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Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Rhodes, Julia
Sent: Mon 2/9/2015 2:01:09 PM
Subject: RE: REACH Preliminary Case Management Plan -

Yes, she sent it to both of us and others at 427 on Friday.

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

From: O'Lone, Mary
Sent: Monday, February 09, 2015 9:00 AM
To: Rhodes, Julia
Subject: Re: REACH Preliminary Case Management Plan -

yes.

the other question is why there had to be a password at all.

did you get a copy of her plan?

I just see mine.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Rhodes, Julia

Sent: Monday, February 9, 2015 8:54 AM

To: O'Lone, Mary

Subject: FW: REACH Preliminary Case Management Plan -

Interesting choice

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

From: Matthew, Dayna

Sent: Monday, February 09, 2015 8:30 AM

To: Packard, Elise; O'Lone, Mary; Wooden-Aguilar, Helena; Dorka, Lilian; Golightly-Howell, Velveta

Cc: Rhodes, Julia; Moffa, Anthony

Subject: RE: REACH Preliminary Case Management Plan -

Ex. 6 - Personal Privacy

From: Packard, Elise

Sent: Friday, February 06, 2015 5:57 PM

To: Matthew, Dayna; O'Lone, Mary; Wooden-Aguilar, Helena; Dorka, Lilian; Golightly-Howell, Velveta

Cc: Rhodes, Julia; Moffa, Anthony

Subject: RE: REACH Preliminary Case Management Plan -

Hi Dayna,

This is asking for a password for me. Perhaps I missed it in an earlier version but could you share the password?

Thanks.

Elise

Elise B. Packard

Associate General Counsel for Civil Rights and Finance

U.S. EPA Office of General Counsel, Rm. 7353C

(202) 564-7729

From: Matthew, Dayna

Sent: Friday, February 06, 2015 4:27 PM

To: O'Lone, Mary; Wooden-Aguilar, Helena; Dorka, Lilian; Golightly-Howell, Velveta

Cc: Rhodes, Julia; Packard, Elise; Moffa, Anthony

Subject: RE: REACH Preliminary Case Management Plan -

Mary,

After going over the final work product with Velveta, we wanted to more clearly indicate the two documents – the Action Plan and the REACH Preliminary Case Management Plan were related. I therefore added references to the Action Plan steps, carefully omitting any reference to “90 days” in the blue title lines of your document where appropriate. (See attached) I hope you agree this addition is cosmetic but does not change the substance of your awesome work product. If for any reason you disagree, please let me know and I’ll let Gwen and John know that change has not been accepted. Not the optimal way to jointly edit, I know - here we are at the proverbial “last minute” despite our best efforts! Thanks, Mary

Best.

Dayna

From: O'Lone, Mary

Sent: Thursday, February 05, 2015 6:08 PM

To: Matthew, Dayna; Wooden-Aguilar, Helena; Dorka, Lilian; Golightly-Howell, Velveta

Cc: Rhodes, Julia; Packard, Elise; Moffa, Anthony

Subject: REACH Preliminary Case Management Plan

Dayna-

Ex. 5 - Deliberative Process/Attorney-Client

Also, as we discussed on the phone – I changed Dismissal Pathway to Administrative Closure Pathway per Lilian’s great catch.

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Thanks, Mary

Mary O'Lone

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(202) 564-4992

To: O'Lone, Mary[OLone.Mary@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 1/8/2015 7:21:35 PM
Subject: For Legal Review - Draft Reactive Desk Statement (REACH)
DRAFT REACH-DENR Desk Statement 010815.docx

Mary,

Jeryl has drafted, and I have reviewed, the attached draft reactive desk statement. The purpose of this document will be when media outlets contact EPA about this case, the press office will use this for messaging.

We would appreciate your thoughts and I wanted to add if you thought we should add a sentence about not commenting on open investigations.

We are working on the comm plan.

Thanks,

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights – US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

To: O'Lone, Mary[OLone.Mary@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 1/8/2015 6:31:37 PM
Subject: Re: REACH follow -up

She us developing comm plan, reactive desk statement, and I will help her doth Q/A. We will need you'd help on PPP.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
~~202-564-0792 (office)~~

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Jan 8, 2015, at 1:25 PM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:

Are you asking are asking Jeryl to take stab at answer to whole reactive desk statement or just pinpoint provision?

I am happy to look at what she writes. I've got enough going on today.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Thursday, January 8, 2015 1:21 PM
To: Rhodes, Julia
Cc: O'Lone, Mary
Subject: Re: REACH follow -up

Hey Mary and Julia

I wanted to take a crack but I am now running on something for V and LD now

(toolkit).

Julia - I am going to ask Jeryl to take a crack at it and work with Mary. Is this ok? I am open if Mary wants to lead as well.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Jan 8, 2015, at 1:13 PM, "Rhodes, Julia" <Rhodes.Julia@epa.gov> wrote:

Ex. 5 - Deliberative Process/attorney-client

She also expressed that Ken L will want reach out to DENR and it's counsel should a letter be issued. He would want to do this in conjunction with OCR and likely address above question as well as an acceptance not equating to finding.

Once protocol launched R4 intends to attend the first meeting in person. They are interested in training about IP development and the investigative process as well as insight into any new policies, practices and procedures since Nancy volunteered for task force

Sent from my iPhone

On Jan 8, 2015, at 12:44 PM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:

I agree with you.

Are you going to gin up a draft or am I?

Mary O'Lone

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From: Wooden-Aguilar, Helena
Sent: Thursday, January 8, 2015 12:30 PM
To: O'Lone, Mary
Cc: Rhodes, Julia
Subject: RE: REACH follow -up

I think the invite is coming. So, what I believe we need is a communication strategy. I think it's a combination of what the DD said to Tom R, her email, and what is in the CMP. Is this right? Or is there something else?

From: O'Lone, Mary
Sent: Thursday, January 08, 2015 12:27 PM
To: Wooden-Aguilar, Helena
Cc: Rhodes, Julia
Subject: Re: REACH follow -up

I have all the emails about this meeting, but no meeting invite yet.

Do you have time to chat? I am not sure if you are looking for a piece of paper or just the messages to share?

I have a few things that could be shared or could be edited to better fit this meeting.

I am at home -- you can call my office & it will be forwarded or you can call me directly at home Ex. 6 - Personal Privacy Thanks.

Mary O'Lone

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(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Thursday, January 8, 2015 11:59 AM
To: O'Lone, Mary
Cc: Rhodes, Julia
Subject: RE: REACH follow -up

Mary-

I have a meeting with OCIR tomorrow (Julia has invited you). Do we have any paper we can share? I am asking Julia as well and cc'd her on this email.

Helena

From: O'Lone, Mary
Sent: Wednesday, January 07, 2015 3:55 PM
To: Dorka, Lilian; Golightly-Howell, Velveta; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: Moffa, Anthony
Subject: REACH follow -up

All-

After the meeting with Avi this morning I met with Lilian & Helena. We 3

discussed the messages I conveyed to Avi (which were ones that I developed with Lilian earlier this morning), the content of the draft acceptance letters, and a near term plan for briefings and meetings as we move forward in the coming weeks.

I agreed to edit the Earthjustice acceptance letter & draft one for NC DENR so they reflect the discussion that Lilian, Helena & I had. They are attached. I also said I would pass along the talking points that I used for Avi b/c they reflect the main points of the discussion that Lilian & I had earlier this morning. They are attached.

I also agreed to edit the draft IP to address comments Lilian had. I hope I have addressed those comments in the draft attached. The draft IP is still a work in progress (you will see a place where I would like to insert a short description of the theories, but do not have time today as I have to leave now). I will be able to update it tomorrow.

Thanks so much & talk with you tomorrow, Mary

Mary O'Lone

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Washington, DC 20460

(202) 564-4992

To: Rhodes, Julia[Rhodes.Julia@epa.gov]
Cc: O'Lone, Mary[OLone.Mary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 1/8/2015 6:21:02 PM
Subject: Re: REACH follow -up

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Helena Wooden-Aguilar
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Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Thursday, January 8, 2015 11:59 AM
To: O'Lone, Mary
Cc: Rhodes, Julia

Subject: RE: REACH follow -up

Mary-

I have a meeting with OCIR tomorrow (Julia has invited you). Do we have any paper we can share? I am asking Julia as well and cc'd her on this email.

Helena

From: O'Lone, Mary

Sent: Wednesday, January 07, 2015 3:55 PM

To: Dorka, Lilian; Golightly-Howell, Velveta; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia

Cc: Moffa, Anthony

Subject: REACH follow -up

All-

After the meeting with Avi this morning I met with Lilian & Helena. We 3 discussed the messages I conveyed to Avi (which were ones that I developed with Lilian earlier this morning), the content of the draft acceptance letters, and a near term plan for briefings and meetings as we move forward in the coming weeks.

I agreed to edit the Earthjustice acceptance letter & draft one for NC DENR so they reflect the discussion that Lilian, Helena & I had. They are attached. I also said I would pass along the talking points that I used for Avi b/c they reflect the main points of the discussion that Lilian & I had earlier this morning. They are attached.

I also agreed to edit the draft IP to address comments Lilian had. I hope I have addressed those comments in the draft attached. The draft IP is still a work in progress (you will see a place where I would like to insert a short description of the theories, but do not have time today as I have to leave now). I will be able to update it tomorrow.

Thanks so much & talk with you tomorrow, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Rhodes, Julia
Sent: Thur 1/8/2015 6:05:31 PM
Subject: Fwd: REACH follow -up
[REACH Case Management Proposal 1 7 2015.docx](#)
[ATT00001.htm](#)
[Talking pts for 1.7.2015 Avi briefing sent to OCR.docx](#)
[ATT00002.htm](#)
[REACH 11R-14-R4 Earthjustice Acceptance Letter - Draft \(1 8 2015\) mmo.doc](#)
[ATT00003.htm](#)
[REACH 11R-14-R4 NC DENR Acceptance Letter - Draft \(1 8 2015\) mmo.doc](#)
[ATT00004.htm](#)

Is the message that you sought

Sent from my iPhone

Begin forwarded message:

From: "O'Lone, Mary" <OLone.Mary@epa.gov>
Date: January 8, 2015 at 11:09:21 AM EST
To: "Shenkman, Ethan" <Shenkman.Ethan@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>
Cc: "Rhodes, Julia" <Rhodes.Julia@epa.gov>
Subject: Fw: REACH follow -up

I forgot to cc Ethan on my email yesterday. Also, I wanted to clarify that the things Lillian listed as being discussed in the meeting with Avi were not b/c she & I came up with them after the meeting with Avi. So, if you feel he should know them (if they will add to the comfort level), please let him know. They are, once Gina approves and we hear back from Avi :

Ex. 5 - Deliberative Process/Attorney-Client

For Ethan's convenience, I have reattached the things that I sent to Lillian yesterday afternoon. Please let me know if you have any questions. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Dorka, Lilian

Sent: Wednesday, January 7, 2015 8:01 PM

To: O'Lone, Mary; Golightly-Howell, Velveta; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia

Cc: Moffa, Anthony; Covington, Jeryl

Subject: RE: REACH follow -up

Thank you Mary – very productive day in moving this case forward I think! We really appreciate your help! BTW, I have now sent you and Helena some of the language I promised earlier today – see under separate cover. In terms of next steps, wanted to let you all involved know that, as Avi requested, I reached out to Tom Reynolds in OPA. I could not find a # for him so I stopped by his office and met with him for about an hour. He understands our internal and external communication strategy and what our agreed upon messaging will be as reflected in our draft TPs., and my sense is that he is comfortable moving forward.

He is very much on board and appreciates our efforts to address the public affairs issues he raised at the meeting with Gina (as referenced by Avi.) He said he would be giving Avi a call to let him know he is comfortable with our approach and preliminary action plan for moving forward and agrees that we need to go ahead and issue the letters as soon as possible once Gina approves and we hear back from Avi. Assuming Avi will be able to brief the Administrator soon and secure her agreement on issuing the letters, I committed to ensuring that before the letters are issued, we will (as you have already communicated to Avi):

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Once the letter has been issued, we will immediately convene a case management team meeting to make sure we have full understanding of roles and responsibilities and the action plan as we prepare to carry out all of the critical steps we identified in the draft Plan via a “dual track” approach – in very short order. This will include:

Ex. 5 - Deliberative Process

Just wanted to memorialize a few of the many things we discussed today so that we are all on the same page. Obviously, more to come on this in the coming week.

Note that I will be out of the office tomorrow and Friday. Please feel free to call me on my personal cell if you have any questions about any of this. 703-402-1496. Velveta and I will both be back in the office on Monday. Helena will be acting tomorrow and Friday and is also available to answer any questions. Thanks all!
Lilian

From: O'Lone, Mary
Sent: Wednesday, January 07, 2015 3:55 PM

To: Dorka, Lilian; Golightly-Howell, Velveta; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: Moffa, Anthony
Subject: REACH follow -up

All-

After the meeting with Avi this morning I met with Lilian & Helena. We 3 discussed the messages I conveyed to Avi (which were ones that I developed with Lilian earlier this morning), the content of the draft acceptance letters, and a near term plan for briefings and meetings as we move forward in the coming weeks.

I agreed to edit the Earthjustice acceptance letter & draft one for NC DENR so they reflect the discussion that Lilian, Helena & I had. They are attached. I also said I would pass along the talking points that I used for Avi b/c they reflect the main points of the discussion that Lilian & I had earlier this morning. They are attached.

I also agreed to edit the draft IP to address comments Lilian had. I hope I have addressed those comments in the draft attached. The draft IP is still a work in progress (you will see a place where I would like to insert a short description of the theories, but do not have time today as I have to leave now). I will be able to update it tomorrow.

Thanks so much & talk with you tomorrow, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[OLone.Mary@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 1/8/2015 5:50:11 PM
Subject: RE: REACH follow -up

I am but new development is the DD wants to be at the meeting. So it may be happening on Monday. I have not heard from V but I think she may want to be there too.

From: O'Lone, Mary
Sent: Thursday, January 08, 2015 12:44 PM
To: Wooden-Aguilar, Helena
Cc: Rhodes, Julia
Subject: Re: REACH follow -up

I agree with you.

Are you going to gin up a draft or am I?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Thursday, January 8, 2015 12:30 PM
To: O'Lone, Mary
Cc: Rhodes, Julia
Subject: RE: REACH follow -up

I think the invite is coming. So, what I believe we need is a communication strategy. I think it's a combination of what the DD said to Tom R, her email, and what is in the CMP. Is this right? Or is there something else?

From: O'Lone, Mary
Sent: Thursday, January 08, 2015 12:27 PM
To: Wooden-Aguilar, Helena
Cc: Rhodes, Julia
Subject: Re: REACH follow -up

I have all the emails about this meeting, but no meeting invite yet.

Do you have time to chat? I am not sure if you are looking for a piece of paper or just the messages to share?

I have a few things that could be shared or could be edited to better fit this meeting.

I am at home -- you can call my office & it will be forwarded or you can call me directly at home Ex. 6 - Personal Privacy Thanks.

Mary O'Lone

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Office of General Counsel

US EPA

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Washington, DC 20460

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From: Wooden-Aguilar, Helena
Sent: Thursday, January 8, 2015 11:59 AM

To: O'Lone, Mary
Cc: Rhodes, Julia
Subject: RE: REACH follow -up

Mary-

I have a meeting with OCIR tomorrow (Julia has invited you). Do we have any paper we can share? I am asking Julia as well and cc'd her on this email.

Helena

From: O'Lone, Mary
Sent: Wednesday, January 07, 2015 3:55 PM
To: Dorka, Lilian; Golightly-Howell, Velveta; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: Moffa, Anthony
Subject: REACH follow -up

All-

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Thanks so much & talk with you tomorrow, Mary

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Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[OLone.Mary@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 1/8/2015 5:30:26 PM
Subject: RE: REACH follow -up

I think the invite is coming. So, what I believe we need is a communication strategy. I think it's a combination of what the DD said to Tom R, her email, and what is in the CMP. Is this right? Or is there something else?

From: O'Lone, Mary
Sent: Thursday, January 08, 2015 12:27 PM
To: Wooden-Aguilar, Helena
Cc: Rhodes, Julia
Subject: Re: REACH follow -up

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From: Wooden-Aguilar, Helena
Sent: Thursday, January 8, 2015 11:59 AM
To: O'Lone, Mary
Cc: Rhodes, Julia
Subject: RE: REACH follow -up

Mary-

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Helena

From: O'Lone, Mary
Sent: Wednesday, January 07, 2015 3:55 PM
To: Dorka, Lilian; Golightly-Howell, Velveta; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: Moffa, Anthony
Subject: REACH follow -up

All-

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Office of General Counsel

US EPA

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Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[OLone.Mary@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 1/8/2015 4:59:51 PM
Subject: RE: REACH follow -up

Mary-

I have a meeting with OCIR tomorrow (Julia has invited you). Do we have any paper we can share? I am asking Julia as well and cc'd her on this email.

Helena

From: O'Lone, Mary
Sent: Wednesday, January 07, 2015 3:55 PM
To: Dorka, Lilian; Golightly-Howell, Velveta; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: Moffa, Anthony
Subject: REACH follow -up

All-

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Thanks so much & talk with you tomorrow, Mary

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Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 1/8/2015 2:45:09 PM
Subject: Fwd: Updated draft REACH jurisdictional review letter
REACH 11R-14-R4 Acceptance Letter - Draft (1 7 2015) mmo.doc
[ATT00001.htm](#)

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy
[wooden-aguilar.helena@epa.gov](#)

Begin forwarded message:

From: "O'Lone, Mary" <OLone.Mary@epa.gov>
Date: January 6, 2015 at 7:04:47 PM EST
To: "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Cc: "Rhodes, Julia" <Rhodes.Julia@epa.gov>
Subject: Updated draft REACH jurisdictional review letter

Lilian & Helena-

I have updated the draft that was given to Avi back in December to accept the changes that had been suggested in that draft on the assumption that those edits were fine since no comments or wordsmithing had come back on those edits.

Through track changes you will now see changes I made tonight to incorporate the comments Lilian's gave me this evening. The changes are not substantive changes, they just provide some needed clarification.

I have kept some of Julia's explanatory bubbles and added a few of my own (e.g., bubble about the clarification added that accepting complaint doesn't equal a finding).

If you all are comfortable with the edits, my thought would be to flag them for Avi tomorrow to see if he thinks they warrant a check back with the Administrator. Let's talk at 9. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[o'lon.e.mary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Wed 3/25/2015 12:40:30 PM
Subject: Re: REACH to do items - one more

I can add this to my TPs for today's meeting.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 25, 2015, at 8:27 AM, "O'Lone, Mary" <o'lon.e.mary@epa.gov> wrote:

Adding one more - the draft of the letter putting it on hold.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Wednesday, March 25, 2015 8:22 AM
To: Wooden-Aguilar, Helena
Subject: REACH to do items

This is the list I sent last week plus adding in the stuff we still haven't heard about from the chart:

- (1) Is NC DENR a recipient of federal financial assistance from another agency.
- (2) Review of administrative closure possibilities.

(3) Create a list of the program and Regional Contacts you have already & put the list on the SharePoint site.

(4) Get clean versions of Helena's emails to Mariann & V's to NC DENR up on the SharePoint site. They go in the correspondence file & should be given names like the ones that are in that folder now. You start with the date in the naming convention.

(5) Email Bill Schrock in OAQPS who is the contact person for both of those. I have already emailed with him a couple of times and I gave him an idea of what she meant by "assist in reviewing the studies." But I told him that he'd get an official request from OCR when you needed him to start work in earnest. My thought was to see which of the studies he already has (Earthjustice did not send us copies of all of them) & whether he needs to get any others & if so, to ask him to start collecting them.

(6) Also, ask Bill to set up a short call to talk about the status of the estimating methodology.

(7) Contact OEI to get a statistician lined up to look at the disparity analysis should ADR fall through. The Office of Information Analysis and Access provides Statistical Consulting Services to the Agency to assist in the analysis of problems that require statistical knowledge. Contact: Barry Nussbaum

(8) Email Mike Shapiro to get the OW Title VI contact (I don't know if that is Vicky or the woman who came with Mike to the briefing back in October) and a general CAFO contact. The email that V sent to Mike went out after the first slug of emails & for some reason the request for OW contacts was not included. Mike buttonholed me at the end of the DCRO meeting with a few questions about REACH & I mentioned both the bit about continuing the investigation until they are "in" ADR and that OCR may need some one to look at some water studies.

(9) After you get the OW contacts, give them access to the SharePoint site. Then figure out how to make sure the water technical contact has access to all the water studies to review (as you did with Bill S in OAQPS, if Earthjustice didn't send it in,

see if the OW person can get them.)

(10) Prepare drafts of letters putting investigation on hold.

Mary O'Lone

Civil Rights and Finance Law Office

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Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[o'lonе.mary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Tue 3/24/2015 10:12:46 PM
Subject: Re: REACH - parties have agreed to begin mediator selection

Ok. Cool. Thx.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 24, 2015, at 4:21 PM, "O'Lone, Mary" <o'lonе.mary@epa.gov> wrote:

FYI. Will came to see me after he went to your office.

I was going to send to Nancy & Daria, but thought I should let you know first.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Tuesday, March 24, 2015 4:20 PM
To: Rhodes, Julia; Packard, Elise; Shenkman, Ethan; Moffa, Anthony
Subject: REACH - parties have agreed to begin mediator selection

Will Hall went by OCR to let Helena know, but she wasn't in. He will try again later today.

The next step is for the parties to come up with an agreed to list of qualities they'd like in the mediator (*e.g.*, familiar with CAFOs, know Title VI).

Then the list is sent to the contractor who sends Will the resumes of mediators who meet those criteria. The parties look at the resumes & agree to a few mediators to interview. After both interview them, then they agree on a mediator.

Agreeing to the mediator is the point at which Will would recommend that OCR send the letter to the parties saying it is putting the investigation on hold. It could take several weeks (or more) to get to that point.

Will says that the new GC for NC DENR came from Arnold & Porter up here in DC.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Kupchan, Simma[Kupchan.Simma@epa.gov]
From: O'Lone, Mary
Sent: Thur 1/5/2017 1:56:03 PM
Subject: RE: REACH draft letter
[draft REACH LOC to NC DEQ 1.4.2017.redline.docx](#)

Drat. I hate the new version of Word – I find it hard to locate documents. Here is the real version I should have sent

Thanks, Mary

Mary M. O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Wednesday, January 04, 2017 5:51 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: REACH draft letter

Simma-

If you have time & the inclination – although as I mentioned it doesn't really have much (if any) H2O or WLO specific information.

OCR will likely circulate this version (without redline) to program offices tomorrow for comment.

If you have any comments, I will need them by the end of this week. We hope to issue the final letter next week.

Thanks, Mary

Mary M. O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Kupchan, Simma[Kupchan.Simma@epa.gov]
From: O'Lone, Mary
Sent: Wed 1/4/2017 10:50:30 PM
Subject: REACH draft letter
draft REACH LOC to NC DEQ 1.4.2017.docx

Simma-

If you have time & the inclination – although as I mentioned it doesn't really have much (if any) H2O or WLO specific information.

OCR will likely circulate this version (without redline) to program offices tomorrow for comment.

If you have any comments, I will need them by the end of this week. We hope to issue the final letter next week.

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